

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 23rd April 2002.

QUORUM : HON. MR. C. S. CHADHA, A.M.

HON. MR. A.K. BHATNAGAR, J.M.

O. A. No. 1676 of 1994.

R.P. Pandey s/o Sri Narsingh Pandey, Booking Clerk, Siwan Junction : r/o Village Pashiya Bhagwati, Post Balepur, Distt. Deoria.....

..... Applicant.

Counsel for applicant : Sri S.K. Tyagi & Sri B. Tewari.

Versus

1. Divisional Railway Manager (Commercial), N.E. Rly., Varanasi
2. Divisional Railway Manager, N.E. Rly., Varanasi.
3. Divisional Commercial Superintendent, Varanasi.
4. Union of India through the General Manager, N.E. Railway, Gorakhpur.....

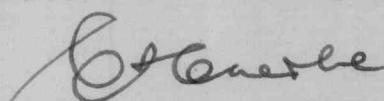
..... Respondents.

Counsel for respondents : Sri A.K. Gaur.

ORDER (ORAL)

BY HON. MR. C. S. CHADHA, A.M.

Vide this O.A., the applicant has challenged the order of punishment dated 16.6.93 passed by Divisional Commercial Superintendent, N.E. Railway, Varanasi reducing his pay in the original grade for a period of two years permanently with cumulative effect. Thereafter, the applicant filed an appeal on 31.8.93 which the appellate authority decided vide Annexure A-2 on 29.10.93. The order of the appellate authority is a non-speaking order in as much as it states that the delinquent officer has given different statement at different times which is not unexpected and further ~~says~~ ^{goes} on to summarise the entire appeal in one sentence stating that there is no propriety in reducing the punishment. This is a highly objectionable order. ~~but~~ We are shocked to see that in revision as well the higher authority has also committed the same mistake. The order

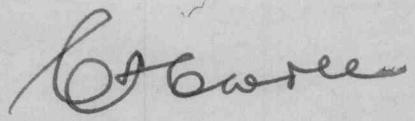


passed in revision on 17.1.94 (Annexure A-3) states " I have gone through the case and I find that he has correctly been held responsible. Punishment stands." We are constrained to observe that the appellate authority and the revisionary authority have not applied their mind and ^{are} ~~for~~ perhaps not even aware of the basic procedure of handling appeals and revisions. The orders are, therefore, quashed and the O.A. is allowed. The case is remanded back to the appellate authority who shall consider a fresh appeal, which the applicant may file, and which may be considered in time, by a reasoned speaking order.

2. We would also like to observe that the Railways should issue general instructions bringing to the notice of appellate and revisionary authorities that when dealing with such matters, they should not take the matters lightly and should always pass a reasoned and speaking order.

There shall be no order as to costs.


J.M.


A.M.

Asthana/
24.4.02